



-

.

/

/ /

/ /

( - )

( )

:

### Abstract

The code of Hammurabi is a real model not only of the ancient Iraq laws but also of law in general in the ancient world as far as from and

---

contents are concerned. As a matter of fact, it is a highly developed model of its era because it represents the highest degree of progress and development. Moreover it has influenced a;; the legislation which come later and especially the legislations of ancient people. Of the near east and the modern laws as well. One of the outstanding subjects which altercates the attention in the code of Hammurabi is woman and all the legislation related to her. In fact, its position towards woman is characterized by both justice and parity, because of her utmost importance in her family and in her society. Therefore, the code of Hammurabi deals with many subjects concerning woman but more emphasis has been given to the incest. The one who commits the incest he will be punished either by expulsion or by the sentence of death by drowning or burning besides the payment of an indemnity as it has been provided by the articles Nos. 154 – 158. These articles are confined to certain types of incest such as the incestuous relations with the daughter, daughter – in – law, mother, mother – in law and all those who are under patriarchal domination in the family. It is important to mention that the Hittite laws as well as the Biblical laws imposed different types of punishments even the sentence of death against those who commit the incest. On the other hand, in Egypt, the incest was very common among the kings believing that they had to protect the purity of royal blood and to be transferred and transfused to their off springs. As for the Islamic legislations the incest has been absolutely forbidden in surah An Nisa'.

.

)

)

(

( - ) (

( )

.

( - )

( )

: )

)) (

.((

.

.

.

:

( )

.



.

( )

))

(')((

. ( )

( )

:

šum – ma a – wi – lum  
DUMU. SAL sù  
il – ta – ma – ad  
a – wi lam šu – a ti  
URU ú – še – iṣ –  
Sú – ú – šu<sup>( )</sup>

:

"

"

( ) alam

awilum šuati alum<sup>( )</sup>(<sup>( )</sup>( )

uṣessûšu

( )

( )

( )

( )

( )

..."( )

.( )"

"

"

( )

( )

.( )

(. . - )( )

( )

.( )

( )( )

.( : )

:

( ) ( ) "kallátûm"

( ) :

šum – ma awi – lum  
a – na DUMU – šu  
É. GI<sub>4</sub>. A i – hi – ir ma  
DUMU – šu il – ma – sí  
šu – ú wa – ar  
ka – nu – um – ma  
i – na sú – ni – ša  
it – ta – ti – il – ma  
is – ša – ab – tu – šu  
a – wilam šu – a – ti  
i – ka – sú – šu – ma  
a – na me – e  
i – na – ad – du – ú – ši

:  
)

.( ) (

( ) terhatûm

.( )

( )

( )

( )

)( )

.(

( ) (

)

.( ) (

)

))

( ' )((

( ' )((  
( ' )

))

:

šum – ma a – wi – lum  
a – na DUMU – šu  
E. GI<sub>4</sub>. A  
I – hi – ir - ma  
DUMU – šu la il-  
ma – sí – ma  
šu – ûi – na sú – ni – ša  
it – ta – ti – il  
MAŠ MA. NA kú. BABBAR  
i – ša – gal –  
ši – im – ma  
ú mi – im – ma  
ša iš – tu  
Ea – bi – ša  
ub – lam  
ú – ša – lam  
ši – im ma  
mu – tu  
li – ib – bi – ša  
i– ih – ha – az – zi

\

)

. ( ' ) (

\

( ' )

( ' ) ( ' )

( ' ) ( ' )

ana kallâ tuti

( )

( )

"

( )"

( )

"

( )

( ) .

"

( ) .

:

šum – ma a – wi – lum  
wa – ar - ki  
a – bi – šu



i - na sú - un  
um - mi - šu  
it - ta - ti - il  
ki - la - le - šu - nu  
i - qal - lu - ú -  
šu - nu - ti

( )"

"

))

( )((

( )

( )

(. . - ) -

"

( ) "

( )

( )

( ) "...

"

( )

šum – ma – a – wi – lum  
wa – ar – ki  
a – bi – šu  
i – na šú – un  
ra – bi – ti – šu  
ša DUMU - MEŠ  
wa – al – da – at  
it – ta – as – ba – at  
a – wi – lum š ú- ú  
i – na É. A. BA  
in – na – as – sà - ah

( )

( )

rabitum

( )

•

•

11

II

•

11

:

٢٦

( )”

.

Qudašu

Egibi

šula

Nabu – ahhe – edin – –

( )

( ) šula

(( ) )

”

”

( )

” ”

”

”

( )

”

”

”

”( )

( )

—

( )

—

( )

(. . – )

( )

.

---

( )

!

- "

!

( - ) " ( )

( )

" " ( ) "

" ( )

kirû "

-

-

aššatum -

( )

-

-

-

- "!

-

( )

( )(!

-

( ) -

-

-

.

" ( )

.

[ ] [ ]



"

( )"

)

.( )((

.( )

"

)

( - )

(

( )

( )

- 
- 
9. Driver and Miles, the Babylonian Laws, vol.1,oxford. 1952, p. 287.
10. martha. T. Roth, Law collection from mesopotomia and asia minor, America, 1997, p.110.
11. Driver and Miles, op. cit, p. 287
12. Elisabeth, M. woman, crime and punishment in ancient Law and society, NewYork, 2004 – 2005 , p.61.
- ( )

.Roth, Op. cit. p. 2-3 ff

15. Driver and Miles, *op. cit*, p. 287.

"( )"

( )

### E. $\text{Gl}_4$ . A

kallátum .

**22.** Sophie Lafont, *femmes, Dorit et justice dans L'Antiquite Orientale*, Paris, 1999, p.212 – 213.



---

30. Driver and Miles, op. cit, p. 319.

31. Dalley. S. Old Babylonian Dowries, Iraq, 42 (1980), p. 55.

( )

:

35. Driver and Miles, op. cit, p. 59.

Sophi lafont, op.cit, p.191. :

36. Driver and Miles, op. cit, p. 320.

( ) :

:

(. .)

. :

. :

:

43. Driver and Miles, op. cit, p. 321.

44. Ibid, p.321.

45. Elisabeth, op. cit , p.62.

( )

. :

. : :

. :

. / /

51. Sophie Lafont, op.cit, p. 198.

52. Ibid.

. : :

:

( )

---

Oppenheim, A. L., The archives of the Palace of Mari, JNES, Vol. 11., 1952, pp.124.

Letter of the king of Mari USA, 2003, p. 539.

59. Bottero, J.: "Women's Rights", Everyday life in ancient mesopotami, Britain, 2001, P.131.
60. Veenhof. K. R. "The Dissolution an old Babylonian Marriage" RA, 70 (1976), p. 153.
61. Durand, D. M, Mari- Annales de Recharches inter disciplinaires- 3 Paris, 1984, PP. 162-166.